

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. CHARLES S. COODY, JUDGE AT Montgomery, Alabama
DATE COMMENCED: 3/6/06 AT 11:02 a.m. to 11:36 a.m.
DATE COMPLETED: 3/6/06 TO Digital Recorded

UNITED STATES OF AMERICA *
*
V. * CASE NO.: 2:05CR119-MEF-CSC
*
DON SIEGELMAN, ET AL *
*

GOVERNMENT

APPEARANCES:

DEFENDANT

Atty. J. B. Perrine	*	Atty. Redding Pitt (Siegelman)
Atty. A. Clark Morris	*	Atty. Doug Jones (Siegelman)
Atty. Jennifer Garrett	*	Atty. David McDonald (Siegelman)
Atty. Joseph Fitzpatrick	*	Atty. James Jenkins (Scrushy)
	*	Atty. Arthur W. Leach (Scrushy)
	*	Atty. Leslie V. Moore (Scrushy)
	*	Atty. David McKnight (Roberts)
	*	Atty. Samuel Briskman (Roberts)
	*	

COURT OFFICIALS PRESENT:

Court Room Deputy: Wanda Stinson
Court Reporter: Jimmy Dickens
Law Clerk: Corrie Long

Debra P. Hackett, Clerk
Melissa Myers, Jury Adm.
Wanda Robinson
Cornelius White

() NON-JURY TRIAL
(X) OTHER PROCEEDINGS: TELEPHONE STATUS CONFERENCE

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED			
Description	Teelohone Status Conf - 05cr119-F-CSC		
Date	3 / 6 /2006	Location	Courtroom 4B
Time	Speaker	Note	
11:02:26 AM	Court	Conf begins; parties present on line ; parties present in courtroom ; Court had discussed with Mrs. Hackett, Clerk of the Court as to how long it would take to gather requested documents Deft Scrushy's second Discovery request ; Will have her address discovery request #10;	
11:05:12 AM	Mrs. Hackett	Response to request #10;	
11:05:53 AM	Court	What information needed re: request #10?;	
11:06:02 AM	Atty. Jenkins	Response as to whether process have been followed since 2000;	
11:06:25 AM	Hackett	Response; Almost sure for the year 2000;	
11:07:26 AM	Jenkins	Challenge involves both the 2001 wheel and the 2005 wheel; Would like to examine Mrs. Hackett when she has access to the records for the 2001 wheel so that she can be specific as to her memory as to what that procedure was at that time;	
11:08:03 AM	Court	Will discuss the deposition of staff; Will allow the discovery as request with the exception of number 12; Will disallow #12; Discussion as to the availability of information; Discussion as to request #7 - do not want the name of the juror, just the participant number;	
11:09:59 AM	Atty. Jenkins	That's correct; The request is similar to the request in #6;	
11:10:16 AM	Court	You want the jury history file for each of the 100 jurors listed on the report as part of the grand jury pool; How would it take to get that information?	
11:10:47 AM	Atty, Hackett	Response - Professor Dunlach got a data dump of the entire wheel that included the juror history on each person;	
11:11:02 AM	Court	They already have the 2001 information	
11:11:05 AM	Atty. Hackett	Yes sir and we gave them the list of the 100 jurors without their names that has their participant numbers; He's got all the information from the SQLs that were runned;	
11:11:25 AM	Court	Can he identify the 100 jurors who were pulled from this grand jury?	
11:11:35 AM	Atty. Hackett	He's got the participant numbers and that's all got on the pool selection list;	
11:11:52 AM	Atty. Jenkins	Would have to speak with Dr. Dunlach to clarify that;	
11:12:27 AM	Court	Let's get Dr. Dunlach and Mrs. Hackett and anybody else who wants to participate on conf. call does not have to be with the Court and determine if he has that information or we need to get the information to him; Will grant the request contingent upon some demonstration that Dr. Dunlach does not already have the information;	
11:13:01 AM	Atty. Jenkins	Can Mrs. Hackett advise whether or not that information was furnished electronically or in paper format;	

11:13:24 AM	Mrs. Hackett	The information as far as the history was furnished electronically; we furnished the list of the 100 people names in paper form;
11:13:56 AM	Atty. Jenkins	Question as to which juror history files were furnished and where they linked to the 93 district wide panels that were pulled out of the 2001 wheel?
11:14:28 AM	Mrs. Hackett	Response - jury history is linked to the participant number;
11:14:53 AM	Atty. Jenkins	Would information supplied identify the other 92 panels pulled from the 2001 wheel; Would that information identify who was on those panels by participant number?;
11:15:15 AM	Mrs. Hackett	Explanation of assignment of participant numbers; Participant history is connected to participant number;
11:16:03 AM	Atty. Jenkins	Response - Question as to whether panel information was supplied to Dr. Gunlap so that he could match participant numbers with a particular panels pulled from the 2001 qualified jury wheel?;
11:16:33 AM	Mrs. Hackett	Not sure; He should be able to pull it up by the participant numbers;
11:16:55 AM	Atty. Perrine	Response to issue;
11:17:20 AM	Court	It would be profitable that Dr. Gunlap and Mrs. Hackett should converse directly which the court authorizes them to do; Mr. Jenkins is granted leave to get that set up as soon as possible;
11:17:45 AM	Atty. Jenkins	Will do so.
11:17:52 AM	Mrs. Hackett	Discussion as to #7 - should that be from the 2001 Qualified wheel and not the 2005;
11:18:07 AM	Mrs. Jenkins	That correct; that's a typographical error;
11:18:15 AM	Court	Discussion as to Number 8; Participant number of each juror selected from the Master jury wheel that was sent a jury questionnaire;
11:18:53 AM	Mrs. Jenkins	We also requested the date they were sent;
11:18:58 AM	Court	We discussed whether it was possible to get the date sent;
11:19:08 AM	Mrs. Hackett	Response - We don't have a report that would print this; ACS could do us a report;
11:20:43 AM	Court	And when the questionnaire was returned;
11:20:47 AM	Ms. Hackett	Response - We would know with participant history would have when the questionnaire came back; participant history do not have when the questionnaire was sent;
11:21:09 AM	Court	Do you want that information?
11:21:12 AM	Atty. Jenkins	We do;
11:21:17 AM	Mrs. Hackett	The participant history is not going to show when the questionnaire was printed;
11:21:33 AM	Atty. Jenkins	Response - the dated that the questionnaires were printed would correspond to the date it was mailed out?
11:21:50 AM	Mrs. Hackett	It should. We can't print that, we would have to get with ACS to get them to run something;

11:22:16 AM	Court	That 's for the creation of the 2005 Qualified wheel; Discussion as to request #9;
11:22:45 AM	Atty. Jenkins	As well as non-responders too;
11:22:47 AM	Mrs. Hackett	By non-deliverable you mean undeliverable? We do not have reports that will print out the undeliverable, we have to see if ACS can do a report on that; There is not a report for that;
11:23:09 AM	Court	If a questionnaire doesn't come back, we don't know it?
11:23:15 AM	Mrs. Hackett	That's a non-responder; We can print a report on the non-responders;
11:23:47 AM	Atty. Jenkins	Did hear last part of statement;
11:23:55 AM	Mrs. Hackett	The non-responders, we can do; The undeliverables, we don't have a report; We would have to got ACS to get them to do something;
11:24:03 AM	Atty. Jenkins	It's possible that an SQL will turn up that information;
11:24:09 AM	Court	But we don't know;
11:24:09 AM	Mrs. Hackett	Possible;
11:24:13 AM	Court	Discussion as to request #11;
11:24:27 AM	Mrs. Hackett	Response - They are wanting information about the 2005 wheel;
11:24:39 AM	Court	That's what I understand; These are petite jury reports;
11:24:48 AM	Mrs. Hackett	Discussion as to trial identifications; We don't have anything that termed trial identification;
11:25:11 AM	Court	We can give them a report on each jury venire that were selected in the district;
11:25:25 AM	Mrs. Hackett	We can them a pool selection report;
11:26:22 AM	Court	Discussion of Mr. Scrushy motion filed yesterday re: additional information requested to #11 re: jury history;
11:27:01 AM	Mrs. Hackett	Response -
11:27:42 AM	Court	Can we electronically give them the complete jury history;
11:27:48 AM	Mr.s Hackett	Yes. We can ACS to do a SQL to do it;
11:28:00 AM	Court	Would that solve your problem?
11:28:00 AM	Atty. Jenkins	I believe so;
11:28:35 AM	Court	You would the history file and the participant number for each;
11:28:49 AM	Mrs. Hackett	Yes. Response ;
11:29:52 AM	Court	With regarding to #11 including the modification in Mr. Scrushy's 3rd request for discovery, will allow counsel to contact Mrs. Hackett directly to refine the nature of request;
11:30:31 AM	Atty. Jenkins	Response - will do so;
11:31:16 AM	Court	Just list of people on the venire for each pool;
11:31:22 AM	Atty. Jenkins	In the order listed;
11:31:41 AM	Court	Discussions as to deferring this matter; How long will hearing on this take?
11:32:10 AM	Atty. Jenkins	Within 2 days;

11:32:38 AM	Court	Depositions is the more appropriate way to do it, assuming you talking about the deposition of the clerk and any of her staff;
11:32:55 AM	Atty. Jenkins	Yes. May want to depose the expert witness of the other party;
11:33:18 AM	Court	What's the government position on mutual deposition of experts?
11:33:18 AM	Atty. Perrine	Response - agreeable to that;
11:33:38 AM	Court	Discussion as to the purpose of discovery ; Will authorize the deposition of the Clerk and each others experts; This hearing will start at 9:00 a.m. on April 3rd; Parties advised to ready; Will set a deadline of March 27th for the exchange of witnesses and exhibits;
11:36:25 AM	Atty. Perrine	Request that whatever information given be also provided to the government;
11:36:36 AM	Court	Court is recessed.